

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE - 17 APRIL 2007

DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON FRIDAY 23 MARCH 2007 RELATING TO PLANNING APPLICATION NO 06/1141/FL: PROPOSED ERECTION OF DWELLINGHOUSES AND RENOVATION OF EXISTING FACTORY UNITS AT NEWTON TERRACE, CATRINE BY DTR HOLDINGS

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Committee of the decision of the Southern Local Planning Committee held on 23 March 2007 regarding the above planning application.

2. BACKGROUND

- 2.1 The Southern Local Planning Committee on 23 March 2007 considered a report dated 6 March 2007 (attached as an Appendix) by the Head of Planning, Development and Building Standards and agreed to refer this application to the Development Services Committee with a recommendation for approval, on the basis that the proposed development would not unduly compromise opportunities for industrial development in the local area, would significantly enhance the general amenity of the location and result in the renovation and bringing back into use of three existing industrial units which are currently derelict; and therefore that the proposed development would represent an acceptable departure from the Development Plan.
- 2.2 No objections were submitted in respect of this application. Therefore, there is no requirement for a Hearing.

3. FINANCIAL/LEGAL IMPLICATIONS - Nil.

4. POLICY IMPLICATIONS

- 4.1 The Committee are referred to the report dated 6 March 2007 by the Head of Planning, Development and Building Standards, attached as an Appendix to this report.

5. RECOMMENDATION

- 5.1 It is recommended that this Committee consider the planning application with reference to the report by the Head of Planning, Development and Building Standards dated 6 March 2007, and with consideration to the recommendation by the Southern Local Planning Committee as detailed in Paragraph 2.1 above.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

29 March 2007

SN/SR

LIST OF BACKGROUND PAPERS

NIL

Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager on telephone number (01563) 576135.

Implementation Officer: Stuart Nelson, Administrative Officer.

APPENDIX

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 23 MARCH 2007

**06/1141/FL: MIXED USE – ERECTION OF DWELLINGHOUSES AND
RENOVATION OF EXISTING FACTORY UNITS
AT NEWTON TERRACE, CATRINE**

APPLICATION BY DTR HOLDINGS

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for a partial mixed use development of what is essentially a brownfield site. The proposal seeks to accommodate a small proportion of the site to the north east for three existing light industrial units which are to be renovated, and to the south the erection of ten two-storey, semi-detached dwellings. The ten proposed residential units will form a street running at right angles with Newton Terrace with a proposed mix of two house types both representing a suitable design incorporating three gable ends into the design with two house types positioned at the end of the street and the other type proposed in between. The external walls are proposed to be clad in facing brick with buff colour stone proposed as a banding around the windows whilst the roof is proposed as being finished in grey roofing tiles.

2. RECOMMENDATION

It is recommended that the application be refused for the reasons indicated on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As indicated in Section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application but it is considered that they are not of sufficient weight to justify a significant departure from policy in this case.

3.2 The application site is located within the settlement boundary of Catrine and noted as a safeguarded industrial site within the Adopted East Ayrshire Local Plan 2003. Although the applicant has submitted a supporting statement seeking

to justify the residential element of the proposal, policy IND5 would support the development of the industrial units as proposed as part of the application site; however the residential element of the proposal would clearly remain contrary to this policy.

3.3 The design of the residential units are of a size and scale compatible with its surroundings and show a good external design style. The overall layout of the site meets with the policy requirements for minimum public and private open space. Although the applicant has submitted a statement of support the application is not considered to be justified in planning terms and the statement is not of such weight as to warrant a departure from policy.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will require to be referred to the Development Services Committee because it would be a significant departure from the development plan.

Alan Neish

Head of Planning, Development and Building Standards

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 23 MARCH 2007

**06/1141/FL: MIXED USE – ERECTION OF DWELLINGHOUSES AND
RENOVATION OF EXISTING FACTORY UNITS
AT NEWTON TERRACE, CATRINE**

APPLICATION BY DTR HOLDINGS

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation due to the scale of the proposed development.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies to the rear of Newton Street, Catrine within the Catrine Outstanding Conservation Area, with access provided via Newton Terrace. The red line site area extends to approximately 0.40 hectares and is generally level comprising of the site of the former Kyle Knitwear Factory and Ballochmyle Hosiery. The majority of the industrial units which previously occupied the site have been demolished and much of the area has been cleared although large sections of concrete floor slabs remain in places. A disused building associated with the former use of the site stands on the north eastern section of the site in a state of disrepair.

2.2 The site is bordered to the north-west by rear gardens and an informal narrow access lane to the rear of the residential properties on Newton Street, and to the west, south and east by open space. Further residential properties on Newton Terrace lie adjacent to the north eastern corner of the site. These properties form a traditional two storey terraced development made from sandstone and still benefit from a traditional and uniform appearance. Immediately to the rear of these dwellings and to the north of the site lie existing industrial units accessed from Newton Street. The site at present is untidy and overgrown and detracts from the general amenity of the area, particularly as the site lies adjacent to the Catrine Outstanding Conservation Area.

2.3 **Proposed Development:** Full planning permission is sought for a partial mixed use development of what is essentially a brownfield site. The proposal seeks to accommodate a small proportion of the site to the north east for three

existing light industrial units which are to be renovated, and to the south the erection of ten two-storey, semi-detached dwellings. The ten proposed residential units will form a street running at right angles with Newton Terrace with a proposed mix of two house types both representing a suitable design incorporating three gable ends into the design with two house types positioned at the end of the street and the other type proposed in between. The external walls are proposed to be clad in facing brick with buff colour stone proposed as a banding around the windows whilst the roof is proposed as being finished in grey roofing tiles.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to the following conditions:

- (i) Access to the site shall require to be taken via internal roads which comply with the Roads Development Guide 1996 and require Construction Consent from East Ayrshire Council Roads and Transportation Division. This consent would cover details such as road widths, footways, road construction, street lighting, drainage etc. The existing footway and street lighting on Newton Terrace will require to be extended along the full frontage of the proposed development as part of the Roads Construction Consent.
- (ii) The junction visibility splay areas of 2.5m by 35m shall be required at all internal road junctions with no object greater than 1m in height allowed within these areas. A 15m forward visibility is required at speed bends.
- (iii) Driveway manoeuvrability shall be provided for off road parking.
- (iv) Any gates shall open inwards away from the public road.
- (v) No surface water shall be allowed to discharge onto the public road
- (vi) Parking requirement shall be in compliance with the Roads Development Guide 1996 including visitor parking.
- (vii) Any garages shall be set back a minimum distance of 6m from the rear of the footway.
- (viii) The private driveways shall require to be hard surfaced for a minimum distance of 2m from the rear of the footway or service strip.

Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.

3.2 Scottish Water has no objections to the proposed development however it should be noted that this does not guarantee a connection to Scottish Waters infrastructure.

Noted.

3.3 Scottish Power has no objection in principle to the proposed development.

Noted.

3.4 The Scottish Environment Protection Agency states that it has no objections in principle to the proposals provided the drainage arrangements are to its satisfaction. All foul drainage from the development site must be connected to the public sewerage system in accordance with Scottish Water requirements. The development must not entail the use of dual manholes for connections to the existing sewage system, either in the public sewers or within the curtilage of the development. The applicant should obtain written assurance from Scottish Water that the additional foul drainage arising from this development will not cause or contribute to premature operation of downstream consented storm sewer overflows. SEPA request a condition requiring the applicant to install a surface water treatment system designed and constructed in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual published by CIRIA.

A note can be attached to any consent granted for the proposed development to advise the applicant to make early contact with SEPA regarding the drainage of the site and the use of SUDS.

4. REPRESENTATIONS

4.1 No third party representations have been received with respect to the proposed development.

Noted.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP).

Ayrshire Joint Structure Plan

5.2 There are no policies in the Structure Plan especially relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 Policy IND5 safeguards those established industrial areas as shown on the Local Plan Maps for business, industrial and storage and distribution uses.

This site is safeguarded for industrial use in the East Ayrshire Local Plan therefore the proposed change of use of part of the site to residential is contrary to policy IND 5. However, the renovation of the existing factory units would accord with this policy.

5.4 The principle of the development at this location is not considered to be acceptable in terms of the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, supporting statement by applicant and the relevant planning history of the site.

Consultation Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused although issues would require to be resolved. These could be addressed either through conditions or appropriate notes attached to any consent granted for the proposed development

Statement of Support

6.3 The applicant has submitted a justification in support of the application, stating the following points:

- There has been no demand for industrial space in Catrine for some considerable time. This has been demonstrated by previous applicants and confirmed by our own research. It is extremely unlikely any future demand will arise and there are a significant number of large commercial units available within a 5 mile radius, i.e. Caponacre Ind. Estate, Cumnock.
- Capital income from the sale of residential dwelling houses on this site is needed to make the proposed renovations to the small industrial units on site viable. Without the sale of housing the costs associated with the commercial units are prohibitive.
- The surrounding area consists of medium density housing and is unsuitable for larger scale commercial use.
- The access road serves residential dwelling houses and is less suitable for large scale industrial use.
- Catrine Nursery School borders the ground and could be adversely affected by commercial use of the main site and the subsequent increase

in heavy commercial traffic along Newton Street to join the main Auchinleck to Mauchline road.

- There is a strong demand for housing within the village
- The site is derelict and being used as a rubbish dump. It attracts vandalism and other low level crime that is of significant concern to local residents. This is likely to continue or get worse if the site remains empty.

The applicant has provided a collection of photographs detailing the current condition of the site.

Planning History

6.4 The application site has been the subject of two former planning applications.

- An outline planning application (Planning Ref: 01/0442/OL) for the erection of seven dwelling houses on the application site was refused by the Southern Local Planning Committee on 7 September 2001. A subsequent appeal was made to the Scottish Executive which was dismissed on 14 May 2002.
- An outline planning application (Planning Ref: 05/0468/OL) for the change of use of industrial land to residential for affordable housing on the application site was formally withdrawn by the applicant prior to determination.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal obligations for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application but it is considered that they are not of sufficient weight to justify a significant departure from policy in this case.

8.2 The application site is located within the settlement boundary of Catrine and noted as a safeguarded industrial site within the Adopted East Ayrshire Local Plan 2003. Although the applicant has submitted a supporting statement seeking to justify the residential element of the proposal, policy IND5 would support the

development of the industrial units as proposed as part of the application site; however the residential element of the proposal would clearly remain contrary to this policy.

8.3 The design of the residential units are of a size and scale compatible with its surroundings and show a good external design style. The overall layout of the site meets with the policy requirements for minimum public and private open space. Although the applicant has submitted a statement of support the application is not considered to be justified in planning terms and the statement is not of such weight as to warrant a departure from policy.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will require to be referred to the Development Services Committee because it would be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards
RG
FV/DVM
06 March 2007

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Previous applications 01/0442/OL & 05/0468/OL
7. Applicants supporting statement.

Anyone wishing to inspect the above background papers should contact Mr. Robin Ghosh on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/1141/FL

Location	NEWTON TERRACE, CATRINE
Nature of Proposal:	MIXED USE – ERECTION OF DWELLINGHOUSES AND RENOVATION OF EXISTING FACTORY UNITS
Name and Address of Applicant:	DTR HOLDINGS 5 THE HOLM CUMNOCK KA18 1AW
Name and Address of Agent	N/A

DPO's Ref:
PPO's Ref: Hugh Melvin

The above FULL application should be refused for the following reason:-

- 1) The proposed development of the site would result in the loss of land safeguarded for industrial use and therefore the residential element of the proposal is contrary to Policy IND5 of the Adopted East Ayrshire Local Plan 2003 which provides that development outwith Use Classes 4, 5 and 6 will not be permitted on safeguarded sites.

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